

REMARKS

Applicant's Election of Species I (Figs. 1 through 5; claims 1 - 13, 15 - 25, 27, and 28) is properly noted in the Office Action. Claims 14 and 26 have been withdrawn from consideration. However, it should be noted that at least claim 1 is generic to claim 14 and claim 16 is generic to claim 26, as set forth in applicant's response to the Election of Species Requirement.

Claims 1 through 5 and 9 through 12 stand rejected under 35 U.S.C. § 103(a) as obvious in view of Bonnell '133 and the published application to Hillman (US 2004/0228080). Claims 6, 16, 17, 19, 22, and 25 are also rejected in view of the combination of Bonnell '133 and Hillman '080, and further in view of Kelly '851.

Bonnell '133 is cited for disclosing a conventional articulated mechanical support arm configuration for use in various medical procedures. The published application to Hillman '080 is cited for disclosing a computer controlled display device that provides at least one inflatable bladder operably disposed at a point of connection between at least two arm segments. Applicant respectfully submits that Hillman '080 is not a proper prior art reference for the proposition proposed, as set forth below.

The published application to Hillman (US 2004/0228080) was published on November 18, 2004, from Application Serial No. 10/742,438 filed on December 19, 2003. The '438 application was a Continuation-in-Part of Application No. 10/035,417 filed on November 8, 2001. The new matter added to the original '417 application in the CIP application pertains to Figs. 47 through 52B. The only disclosure in Hillman '080 related to use of a pressurized fluid or bladder of any sort is in reference to the new matter added in the CIP application. Applicant has considered the published application


from the parent Hillman application (U.S. Published Application No. 2003/0086240) and this application does not disclose the use of bladders, tubes, or a pressurized fluid to lock any portion of the arm segments in place. The published '240 application is being submitted for the Examiner's consideration in a separately filed Information Disclosure Statement.

Accordingly, the subject matter in the Hillman '080 application relied upon for the obviousness rejection has a filing date of December 19, 2003, and not the filing date of the parent application. The filing date of the present application is December 21, 2001, well before the effective filing date of December 19, 2003, for the relevant subject matter of the Hillman '080 application. Under 35 U.S.C. § 102(e), the published '080 application to Hillman is thus not a proper prior art reference in the § 103 obviousness combination proposed by the Examiner.

With the Hillman '080 published application removed as a reference, all pending claims in the application appear to be allowable. Applicant respectfully submits that the application is in condition for allowance and favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information.

Respectfully submitted,

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